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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,306	10/29/2001	Gilad Menashe	017900-002400US	9361

20350 7590 05/20/2005

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/021,306	Applicant(s) MENASHE, GILAD	
	Examiner Etienne P LeRoux	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 18-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Status***

Claims 18-50 are pending; claims 1-17 having been canceled. Claims 18-50 are rejected as detailed below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No US 2001/0044810 issued to Timmons (hereafter Timmons).

**Claim 18:**

Timmons discloses:

- (a) building a first sequence of stable elements from the first document, wherein the first sequence of stable elements represents an ordered list of elements where each element is from the predetermined set of stable elements [Fig 1, paragraph 80]
- (b) building a second sequence of stable elements from the second document, wherein the second sequence of stable elements represents an ordered list of elements where each element is from the predetermined set of stable elements [Fig 3, paragraph 84]

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( c ) generating one or more search queries from the first sequence of stable elements [paragraph 84]

(d) searching the second document by comparing the second sequence of elements with the one or more search queries to produce one or more comparison results [Fig 4, paragraph 98]

(e) determining the desired element in the second document from the one or more comparison results [Fig 4, steps 406/408, paragraph 98]

Claim 19:

Timmons discloses wherein generating one or more search queries from the first sequence of elements comprises determining a tolerance level and using the tolerance level to determine the one or more search queries [fuzzy logic, paragraph 14]

Claim 20:

Timmons discloses wherein generating one or more search queries from the first sequence of elements comprises building the one or more search queries of a length equal to the tolerance level [paragraph 24]

Claim 21:

Timmons discloses determining a new tolerance level if the desired element cannot be determined from the one or more comparison results, and generating the one or more search queries of a length equal to the new tolerance level [Fig 8, step 830, incremental results are presented, paragraph 70]

Claim 22:

Timmons discloses performing at least steps (c), (d) and (e) a plurality of times to determine the desired element [Fig 4]

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Claim 23:

Timmons discloses wherein determining the desired element from one or more query results comprises determining the desired element from an exact match between a search query and the second sequence of stable elements [paragraph 84]

Claim 24:

Timmons discloses wherein determining the desired element from one or more query results comprises determining a best match between one or more search queries and the second sequence of stable elements [paragraph 85]

Claim 25:

Timmons discloses wherein determining the best match between the search query and the second sequence of stable elements comprises counting a number of matches per element for each search query and the second sequence of stable elements [score the page, paragraph 25]

Claim 26:

Timmons discloses wherein determining the best match between the search query and the second sequence of stable elements comprises choosing the search query with a highest number of matches as the best match [paragraph 25]

Claim 27:

Timmons discloses wherein each search query is associated with a search query position representing a relative position of the desired element in the search query to the desired element in the related document and wherein determining the best match between the search query and the second sequence of stable elements comprises choosing a search query having a search query

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position closest to a position of the desired element in the second sequence of stable elements as the best match [ paragraphs 70-76]

Claim 28:

Timmons discloses further comprising constraining a stable element in the predetermined set of stable elements with an attribute associated with the stable element [feature extraction tags can be combined to create more accurate and persistent flags, paragraph 83]

Claim 29:

Timmons discloses wherein building a first sequence of stable elements comprises searching for the constrained stable element and the attribute associated with the constrained stable element in the first document [paragraph 83]

Claim 30:

Timmons discloses wherein building a second sequence of stable elements comprises searching for the constrained stable element and the attribute associated with the constrained stable element in the second document [paragraph 83].

Claim 31:

Timmons discloses further comprising searching for a target desired element based on the target desired element's relationship with the desired element [page contents is divided and sorted per the feature extraction object, paragraph 13]

Claim 32:

Timmons discloses storing the second sequence of stable elements [aggregated information creates a new information object]

Claim 33:

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Timmons discloses wherein the first sequence of stable elements is a sequence of characters representing elements in the predetermined set of stable elements [ paragraphs 99 and 100]

Claim 34:

Timmons discloses wherein the first and second documents comprise HTML documents [paragraph 6]

Claim 35:

Timmons discloses:

selecting the desired element in the first document using the user interface [Fig 1, paragraph 80]

determining a set of stable elements based on the selected desired element [Fig 1, paragraph 80]

building a first sequence of stable elements from the first document, wherein the first sequence of stable elements represents an ordered list of elements where each element is from the set of stable elements [Fig 1, paragraph 80]

building a second sequence of stable elements fro the second document, wherein the second sequence of stable elements represents an ordered set of elements where each element is from the set of stable elements [Fig 3, paragraph 84]

determining one or more search queries from the first sequence of elements [paragraph 84]

searching the second document by comparing the second sequence of elements with the one or more search queries to produce one or more comparison results [Fig 4, paragraph 98]

determining the desired element in the second document from the one or more comparison results [Fig 4, steps 406/408, paragraph 98]

Claim 36:

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Timmons discloses wherein determining a set of stable elements comprises using a default set of stable elements [Fig 2]

Claim 37:

Timmons discloses wherein determining a set of stable elements comprises choosing elements using the user interface to determine the set of stable elements [Fig 5]

Claim 38:

Timmons discloses:

- (a) obtaining an indication of the desired element and its position within the first sequence of elements in the first document [Fig 2]
- (b) building a second sequence of elements from the second document representing a second plurality of elements found in the second document ordered according to the second sequence of documents [Fig 3, paragraph 84]
- (c) generating one or more search queries from the first sequence of elements [paragraph 84]
- (d) searching the second sequence of elements of the second document according to the one or more search queries to produce one or more search results [Fig 4, paragraph 98]
- (e) determining the desired element in the second document from the one or more search results [Fig 4, steps 406/408, paragraph 98]

Claim 39:

Timmons discloses wherein the indication of the desired element includes a position of the desired element within the first sequence of elements and an identification of the desired element from among a set of elements [Fig 2]

Claim 40:



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Timmons discloses wherein the first and second documents are HTML document, the set of elements is a set of HTML tags in documents handled by the computer system, the identification of the desired element is a tag and the position of the desired element within the first sequence of elements is indicated by ordinal number [paragraph 79, 001]

Claim 41:

Timmons discloses wherein searching the second sequence of elements comprises comparing the second sequence of elements with the one or more search queries to produce one or more comparison results and using the comparison results in the step of determining [Fig 4]

Claim 42:

Timmons discloses wherein the desired element in the second document is determined from an exact match among the one or more comparison results [paragraph 84]

Claim 43:

Timmons discloses wherein the desired element in the second document is determined from a best match from among the one or more comparison results [paragraph 85]

Claim 44:

Timmons discloses wherein the best match is a comparison result having the highest number of matches between a search query and the second sequence of elements [paragraph 85]

Claim 45:

Timmons discloses wherein the best match is a comparison result having a position of the desired element in the second document closest to the position of the desired element in the first document [paragraph 79]

Claim 46:

Timmons discloses determining a tolerance level representable by an integer, building the one or more search queries such that each of the one or more search queries comprises a sequence of element wherein the number of elements in each sequence is equal to the tolerance level [paragraphs 85-95]

Claim 47:

Timmons discloses determining if the desired element cannot be found using the one or more search queries each having a number of elements equal to the tolerance level, if the desired element cannot be found, determining a new tolerance level less than the tolerance level, and rebuilding the one or more search queries such that each of the one or ore search queries comprises a sequence of stable elements wherein the number of elements in each sequence is equal to the new tolerance level [paragraphs 85-95]

Claim 48:

Timmons discloses performing at least steps ( c ), (d) and (e) a plurality of times to determine the desired element in the second document [Fig 4]

Claim 49:

Timmons discloses wherein the elements comprise element types and element attributes such that elements with distinct types and/or distinct attributes are distinctly identified in the first sequence of elements and the second sequence of elements and wherein searching comprises searching for matching element types and matching element attributes [Fig 2]

Claim 50:

Timmons discloses wherein the set of elements used for the first sequence of elements and the second sequence of elements comprises stable elements, wherein a stable element is an

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element that is less likely, relative to an unstable element, to the changed in documents  
[paragraph 6]

### ***Response to Arguments***

Applicant's arguments filed 1/31/2005, with respect to claims 18-50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's submission of the requirements for the joint research agreement prior art exclusion under 35 U.S.C. 103(c) on 1/31/2005, prompted the new ground(s) of rejection under 37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4022..

The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4022.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

4/3/2005

  
**MOHAMMAD ALI**  
**PRIMARY EXAMINER**